

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 08-1818**

---

ISLAND CREEK COAL COMPANY,

Petitioner,

v.

DARREL B. DEWITT; DIRECTOR, OFFICE OF WORKERS' COMPENSATION  
PROGRAMS,

Respondents.

---

On Petition for Review of an Order of the Benefits Review Board.  
(07-0741-BLA)

---

Submitted: April 15, 2009

Decided: April 28, 2009

---

Before TRAXLER and SHEDD, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

---

Petition denied by unpublished per curiam opinion.

---

William S. Mattingly, JACKSON KELLY PLLC, Morgantown, West  
Virginia, for Petitioner. Timothy C. MacDonnell, Mary Z.  
Natkin, Ketan V. Patel, WASHINGTON AND LEE UNIVERSITY SCHOOL OF  
LAW, Lexington, Virginia, for Respondent Darrel B. Dewitt.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Island Creek Coal Company seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's award of black lung benefits pursuant to 30 U.S.C. §§ 901-945 (2006). Our review of the record discloses that the Board's decision is based on substantial evidence and is without reversible error. Accordingly, we deny the petition for review for the reasons stated by the Board. Island Creek Coal Co. v. Dewitt, No. 07-0741-BLA (B.R.B. May 30, 2008). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED